

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

Plaintiff,

v.

ONE TYRANNOSAURUS BATAAR SKELETON
a/k/a Lot 49315 Listed on Page 92 of the Heritage
Auctions May 20, 2012 Natural History Auction
Catalog;

Defendant-in-rem.

USDS SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 9-26-12

Case No.: 1:12-cv-04760 (PKC)

*The motion is not in
view of the filing
of the First Amended
Complaint.
See Order of
September 7,
2012.*

CLAIMANT ERIC PROKOPI'S NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Claimant's Motion to Dismiss and all other papers herein, claimant Eric Prokopi, by and through his undersigned counsel, will move this Court, before the Honorable P. Kevin Castel, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York 10007 at a date and time to be determined by the Court, for an order, pursuant to Supplemental Rule for Admiralty or Maritime Claims and Asset Forfeiture Actions G(8)(b)(i) and Federal Rule of Civil Procedure 12(b)(6), dismissing with prejudice all claims in the Complaint against the defendant in rem. The basis for this motion is set forth in the accompanying Memorandum of Law, the Declaration of Peter K. Tompa, and the exhibits thereto. Claimant Eric Prokopi respectfully requests oral argument on the matters raised in this Motion.

SO ORDERED.

*JSOS
9-26-12*

Dated: August 17, 2012

Respectfully submitted,

/s/ Michael McCullough

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CERTIFICATE OF SERVICE

The undersigned certifies that this 17th day of August 2012, he served the foregoing via electronic filing and email on plaintiff's counsel, pursuant to Civil Rule 5.2 of the Local Rules of the United States District Court for the Southern District of New York.

/s/ Peter K. Tompa

Peter K. Tompa